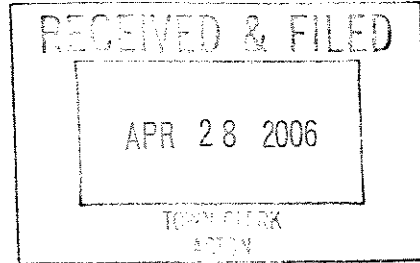


Planning Board



FYI

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**AMENDMENT #1  
OF DECISION  
05-01**

April 27, 2006

**Ellsworth Village**  
Senior Residence Special Permit

This is an amendment by the Planning Board (hereinafter the Board) of its decision issued to Ellsworth Village, LLC (hereinafter the Applicant) filed with the Town Clerk on April 27, 2005 (hereinafter the Original Decision).

This amendment is in response to the request of the Applicant for an amendment of the Original Decision to approve plan changes as shown on a plan entitled "Waiver Sketch", prepared for Ellsworth Village, LLC, dated April 25, 2006, drawn by Stamski and McNary, Inc.

The Applicant presented the requested modifications to the Board at a regular posted meeting on April 25, 2006. Board members Gregory E. Niemyski (Chairman), Christopher R. Schaffner (vice Chairman), Michael C. Densen, Ruth M. Martin, Gary R. Sullivan, and associate Bruce Reichlen were present. The minutes of the meeting and submissions, on which this decision is based upon, may be referred to in the Office of the Town Clerk or in the Acton Planning Department.

**1 EXHIBITS**

Submitted for the Board's deliberation was a plan entitled "Waiver Sketch", prepared for Ellsworth Village, LLC, dated April 25, 2006, drawn by Stamski and McNary, Inc, one sheet, herein referred to as the Plan.

**2 FINDINGS AND CONCLUSIONS**

- 2.1 The applicant has requested that the Board allow the construction of decks, as show on the Plan that would encroach into the minimum setbacks as set forth in section 9B.5 of the zoning bylaw.
- 2.2 Section 9B.12.3.4 of the Zoning Bylaw provides that "The Planning Board may further adjust or waive the dimensional requirements of section 9B.5, the parking requirements of section 9B.6, and the Common Land requirements of 9B.9 to the extent reasonable and necessary to facilitate the production of affordable DWELLING UNITS".
- 2.3 This development contains affordable housing units. Their addition causes a degree of space constraints on the site.

- 2.4 Given that this is a senior housing development, it is reasonable and necessary that its residents can access a deck without having to first negotiate steps.
- 2.5 The requested modification is minor, does not change the project in any significant way from how it was approved in the Original Decision, and therefore does not warrant a public hearing.

### 3 BOARD ACTION

Therefore, the Board voted at the meeting to **APPROVE** the proposed modifications as shown on the Plan with the following conditions:

#### 3.1 CONDITIONS

- 3.1.1 The decks shall have the following maximum dimensions:  
depth from wall: 8 feet  
width: 16 feet  
clearance to finished ground level: 4 feet.
- 3.1.2 As required for purposes of providing a second means of egress, the decks shall have stairs to ground level sufficient to meet, but not exceed, the requirements under the Massachusetts Building Code.
- 3.1.3 Except as modified herein, the Original Decision, and the plan approved thereunder, shall remain in effect.

Signed on behalf of the Acton Planning Board



Roland Bartl, AICP, Town Planner

#### Copies to:

Applicant ✓  
Town Engineer ✓  
Town Clerk ✓  
Town Assessor ✓

Building Commissioner ✓  
Municipal Properties Director ✓  
Natural Resource Director ✓

Board of Health ✓  
Town Manager ✓  
Fire Chief ✓

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